



Received

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Emergency Enforcement  
Services Section

September 26, 2012

Carol Ropski  
U.S. Environmental Protection Agency  
Superfund Division  
Enforcement and Compliance Assurance Branch  
Enforcement Services Section 1, SE-5J  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Re: General Notice Letter  
South Dayton Dump and Landfill Site in Moraine, Ohio  
Site Spill Identification Number B52B

Dear Ms. Ropski:

On behalf of Cargill, Incorporated ("Cargill"), I am responding to the General Notice of Potential Liability from Jason El-Zein dated September 10, 2012. Mr. El-Zein's letter invites Cargill and other companies to negotiate an agreement to perform or finance removal actions to address vapor intrusion and methane issues at the South Dayton Dump and Landfill Site ("South Dayton").

On January 31, 2003, Cargill responded to an EPA Section 104(e) request for information about South Dayton. In response to that information request, Cargill performed a thorough investigation of the information in its possession, including its waste disposal records. Cargill found no evidence that any of its waste had been delivered to South Dayton, and communicated that to EPA.

As you know, Cargill is a defendant in a federal lawsuit filed by three companies who have conducted the remedial investigation and feasibility study on the site: *Hobart Corp. v. Waste Management of Ohio, Inc.*, Case No. 3:10-cv-195 (WHR) (S.D. Ohio). While defending that case, Cargill has again investigated its potential liability for response actions at South Dayton, and has found no evidence of liability. Consequently, Cargill has filed and completely briefed a motion for summary judgment asking the Court to dismiss Cargill from that case on the ground that no hazardous substances from Cargill have been taken to South Dayton. Please let me know if you would like a copy of our summary judgment filings for your information.

Based on our extensive internal investigation and discovery in the *Hobart* matter, we do not believe that Cargill is a responsible party for South Dayton. Accordingly, we respectfully

Krisann C. Kleibacker Lee  
Lawyer

15407 McGinty Road West, M.S. 24  
Wayzata, MN 55391-2399

Tel: (952) 742-4002  
Fax: (952) 742-6349  
Krisann\_Kleibacker\_Lee@cargill.com

decline to participate in the response actions for that site. If you have any evidence of potential Cargill liability that may not have been brought to our attention, we are open to further discussion with you on this matter.

I will serve as Cargill's contact person for any future communications about South Dayton. If you have any questions or comments, please contact me.

Best regards,

A handwritten signature in blue ink, reading "Krisann C. Kleibacker Lee". The signature is fluid and cursive, with the first name "Krisann" being the most prominent part.

Krisann C. Kleibacker Lee

cc: Jack Van Kley